

## Fiscal Note

*Fiscal Services Division*



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**HF 2011** – Sexual Exploitation by a School Employee (LSB5270YH.1)  
Analyst: Laura Book (Phone: 515-725-0509) ([laura.book@legis.iowa.gov](mailto:laura.book@legis.iowa.gov))  
Fiscal Note Version – As amended and passed by the House

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### **Description**

**House File 2011**, as amended and passed by the House, amends Iowa Code section **709.15**(1)(f) to broaden the criminal offense of sexual exploitation by a school employee to include all school district employees, including full-time, part-time, and substitute, certain volunteers, and persons that provide services to a school district under a contract.

### **Background**

#### **Correctional Information**

- A person that commits sexual exploitation by a school employee in violation of Iowa Code section **709.15**(3) commits either:
  - An aggravated misdemeanor, punishable by confinement for no more than two years and a fine of at least \$625, but not more than \$6,250; or
  - A class D felony, punishable by confinement for no more than five years and a fine of at least \$750, but not more than \$7,500.
- The person's actions also constitute unprofessional and unethical conduct that may result in disciplinary action by the Board of Educational Examiners.
- There were 22 charges disposed of in FY 2015 for sexual exploitation by a school employee. Of these, 11 were either dismissed or acquitted while three charges resulted in a conviction. Several defendants had multiple charges. The three resulting convictions were aggravated misdemeanors.
- Offenders sentenced under the provisions of Iowa Code chapter **709** are subject to sentencing enhancements because they are sex offenders. These offenders are subject to the requirements of the Sex Offender Registry (**SOR**) for at least 10 years per Iowa Code chapter **692A**.
- Sex offenders are also subject to the Special Sentence imposed under Iowa Code chapter **903B**. Offenders on Special Sentence are supervised by the Community-Based Corrections (CBC) District Departments.
- Sex offenders sentenced to prison are required to participate in a Sex Offender Treatment Program (SOTP).

### **Fiscal Information<sup>1</sup>**

#### **Aggravated Misdemeanor**

- The cost to the indigent defense fund per aggravated misdemeanor case is \$1,200.
- The average cost to the Judicial Branch per aggravated misdemeanor case is \$222.
- The average state cost for one aggravated misdemeanor conviction ranges from \$3,100 to \$6,800. The minimum cost includes court time of a District Associate Judge or a District Court Judge, court reporter, court attendant, and Clerk of Court staff plus the costs of probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, state prison, and parole supervision.

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<sup>1</sup> Costs are incurred whether or not the charge results in a conviction. However, indigent defense costs occur only if the defendant is indigent and requires court-appointed counsel.

### Class D Felony

- The cost to the indigent defense fund per Class D felony case is \$1,200.
- The average cost to the Judicial Branch per Class D felony case is \$452.
- The average state cost for one Class D felony conviction ranges from \$6,300 to \$12,000. The minimum average cost includes court time of a District Court Judge, court reporter, court attendant, and Clerk of Court staff plus the costs of indigent defense and probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, state prison, and parole supervision.

The Legislative Services Agency (LSA) [Correctional Impact Statements Memo](#) dated February 18, 2016, contains additional information.

### Assumptions

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2016. A lag effect of six months is assumed from the law's effective date to the date of first entry of affected offenders into the correctional system.
- Half of the charges for Iowa Code section [709.15](#)(5) offenses that were dismissed or acquitted will result in convictions with the passage of this bill.

**Minority Data Information:** The impact on minorities will be consistent with current data.

### Summary of Impacts

#### **Correctional Impact**

The correctional impact on the State Prison System, CBC offender population, and county jails is expected to be minimal under the provisions of [HF 2011](#). The bill is estimated to result in the following annual increases: five convictions, three prison admissions, one jail admission, five probation admissions, one residential facility admission, and four offenders in the prison population.

#### **Minority Impact**

There is no minority impact expected under [HF 2011](#). Offenders convicted and admitted to prison for Iowa Code section [709.15](#) offenses in FY 2015 were male and Caucasian.

#### **Fiscal Impact**

[House File 2011](#), as amended and passed by the House, will have a fiscal impact and result in increased General Fund expenditures. The table below summarizes the estimated expenditures.

<u>Offense</u>	<u>Cost Range</u>	<u>Convictions</u>		<u>Cost Increase Range</u>			
		<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2017</u>		<u>FY 2018</u>	
Aggravated Misdemeanor	\$3,100 - 6,800	3	4	\$9,300	\$20,400	\$12,400	\$27,200
Class D Felony	\$6,300-12,000	0	1	0	0	6,300	12,000
Total		3	5	\$9,300	\$20,400	\$18,700	\$39,200

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Office of the State Public Defender  
Office of the State Court Administrator

/s/ Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the LSA upon request.

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